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SUMMARY RECORD OF THE 5TH MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 2 March 1997, at 3 p.m.

Chairman: Mr. SOMOL (Czech Republic)

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The meeting was called to order at 3.20 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 4) (continued) (E/CN.4/1997/13-16, 107, 109, 111, 116 and 117)

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION (agenda item 7) (E/CN.4/1997/23)

1. Mr. ZAHRAN (Egypt) said that the unanimous declaration by the Arab delegations at Cairo in June 1996 of their determination to continue the peace process required a matching commitment by Israel. Any failure on the part of Israel to respect its commitments to the agreements reached at the Madrid Conference would lead to a failure of the peace process and a return to the cycle of violence and tension. Negotiations should be resumed in accordance with the agreed timetable since delay would jeopardize the attainment of a just and lasting peace that would ensure the national rights of Palestinians, including their inalienable right to self-determination. He noted Syria's readiness to re-enter the negotiations.

2. The expansion of settlements was unacceptable: it ran counter to international law, hindered the peace process and should be halted. Peace could be achieved only through finding a solution to the problem of Jerusalem and guaranteeing the right of Palestinians to return to the city, agreeing to pay compensation and respecting other United Nations resolutions. Arabs must enjoy the same rights in Jerusalem as Israelis. He thus welcomed the remarks made the previous day by the spokesman for the European Union, who had called the Israeli settlement policy incompatible with international law.

3. Israel must respect the agreements already reached: it should stop building new settlements in the Golan - indeed, it should withdraw altogether - and it should comply with Security Council resolutions regarding Lebanon.

4. Peace could be achieved in the Middle East only on the basis of the elimination of nuclear, biological and chemical weapons, in respect of which all parties should be placed on an equal footing. Only with the elimination of weapons of mass destruction could the peoples of the region live in peace and stability. While his delegation was opposed to terrorism from any quarter or in any form, it was equally opposed to repressive measures against innocent civilians, which were a flagrant violation of all the international conventions.

5. Mr. Yong-Shik HWANG (Republic of Korea), having welcomed the signing of the Protocol Concerning the Redeployment in Hebron, said that peace in the Middle East region could best be described as fragile. He urged all parties to the peace process to prevent extremism from derailing their quest for a permanent peace. Human rights were central to any lasting peace, because human rights violations only reinforced the prevailing mistrust in the region, and led to violence. In that context, he noted with pleasure that respect for human rights had advanced to a certain degree, as evidenced by the recent release of 31 female Palestinian prisoners.

6. Palestinian economic development was crucial in improving the human rights situation, since an enhanced quality of life reduced the inclination to resort to violence. It was in that belief that his Government had supplied an assistance package of some US$ 12 million following the signing of the Declaration of Principles on Interim Self-government Arrangements in 1993 and a further US$ 3 million in 1996. It was also involved in funding projects at a regional level relating to economic cooperation, development, desalination and training.

7. In the conviction that the enhancement of individual welfare through economic development was a necessary step to the accomplishment of a true peace, his Government would continue to play its role in striving for sustainable development in Palestine. It also hoped that the principle of self-determination would be respected.

8. Mr. JOKONYA (Zimbabwe), after deploring the acrimonious note which had crept into the debate, said that oppression and repression could be dealt with only by tackling the root cause; human rights violations in the occupied Arab territories could be ended only by an immediate and unconditional end to the occupation.

9. He welcomed the condemnation of Israeli intransigence by the European Union, and agreed that the Palestinian Authority must also rid its security forces of those who violated human rights. However, lapses by the State apparatus of the Palestinian Authority could not be compared with the horrors inherent in occupation. It would be insane to renege on the Oslo Agreements and he condemned the current Israeli leadership's decisions to build new settlements in south-east Jerusalem and close the offices of the Palestine Liberation Organization in east Jerusalem.

10. He called on the Commission to take a firm stand against the occupation by Israel of foreign territory, which was an affront to human dignity. He hoped that the European Union's attempt at even-handedness and its desire, in conjunction with some of its allies, to raise respect for human rights to the level of a global ethic were genuine, and not simply another attempt by the strong to use human rights issues as geopolitical tools. Unfortunately, to judge by the protection afforded to an occupying Power in certain international forums, the powerful still exacted what they could and the weak still granted what they had to.

11. Mr. MADADHA (Observer for Jordan) reiterated his Government's commitment to finding a just and comprehensive solution to the problems of the Middle East. Unfortunately, peace and stability in the region and fundamental human rights were being jeopardized by the current settlement policies of Israel, which legal experts had found to be in breach of international law and international agreements. Its settlement activities on territory over which it had no sovereign rights violated the Fourth Geneva Convention, as pointed out in the Special Rapporteur's report (E/CN.4/1997/16).

12. Furthermore, its settlement activity in Jerusalem was killing off the peace process. His Government refused to accept any change in the status quo

that might affect the final status of Jerusalem. While earlier Israeli Governments had allowed the peace process to take root by freezing the construction of new settlements, the policies of the current leadership could not but lead to further violence.

13. The rights to personal dignity and self-determination were at the very heart of the peace process. He called on the Government of Israel to recognize that fact and to face up to the consequences of its policies on the stability of the region. He urged that Government to generate trust and confidence by cancelling its decisions to build new settlements in the occupied Arab territories, particularly in east Jerusalem. He welcomed the approach taken by the European Union and urged the United States, which had made an invaluable contribution to the peace process, to take a firm stand on the question of settlements and use its influence to avoid a crisis. For its part, the Commission should condemn Israel's destructive settlement policies.

14. Mr. MORJANE (Observer for Tunisia), speaking on behalf of the Arab Group, said that the Arab countries which had initiated the Middle East peace process at Madrid in 1991 had been driven by a sincere desire for a just and lasting peace on the basis of the "land-for-peace" principle. However, the peace process had almost totally collapsed as a result of Israel going back on its international agreements. Its decision to build a new settlement in Jerusalem would change the historic character of that city, and was an illegal act on territory occupied by force of arms.

15. The Arab Group strongly condemned the Israeli decisions to build new settlements, which were contrary to the spirit and letter of international conventions and resolutions, as well as being a threat to the stability of the region. The international community had rightly condemned Israel's attempt to change the geographic and demographic configuration of Jerusalem.

16. He therefore urged the Commission to do everything in its power to persuade Israel to cancel those decisions. He called on those countries that supported Israel financially to withhold aid until Israel honoured its international agreements. Finally, he voiced support for the peoples of Palestine, the Syrian Arab Republic and Lebanon in their struggle against the occupation and in their search for a durable peace based on international law.

17. Ms. TEXIER (France Libertés: Fondation Danielle Mitterrand), having recalled the statement made by her organization at the previous session on the subject of East Timor (E/CN.4/1996/SR.5), said that an event of world importance had since taken place, namely, the award of the Nobel Peace Prize jointly to the Bishop of Dili and to Mr. José Ramos Horta, the advocate of a peace plan known as the plan of the National Council of Maubere Resistance (NCMR). That plan, which opened the door to fruitful negotiations capable of leading to a just and lasting peace, deserved to be closely studied and promoted by the Commission and supported by the Security Council.

18. There had been a complete lack of positive developments in the Western Sahara, as evidenced by the breakdown of discussions betweeen the Crown Prince of Morocco and members of the Frente POLISARIO. Morocco, which continued to do everything in its power to prevent the holding of the

referendum envisaged by the Security Council peace plan and scheduled originally for 1992, was floating the idea of regional autonomy on condition that the Sahrawis gave up their claim to independence.

19. The Frente POLISARIO had expressed its readiness to engage in direct negotiations with Morocco in the presence of a mediator and in a neutral country, while the new Secretary-General of the United Nations had recently expressed himself in favour of holding the referendum. The parties to the conflict should thus be encouraged to resume their meetings on the terms requested by the Frente POLISARIO.

20. Ms. NEURY (Centre Europe-Tiers Monde) said that very little had changed in the life of the Sahrawi people since the Commission's fifty-second session. Morocco was making it increasingly difficult for impartial journalists and representatives of human rights organizations to circulate freely within the area or even to enter it. The conflict in Western Sahara was a straightforward case of decolonization that could easily be resolved if the international community had the political will to compel Morocco to conform to the spirit and the letter of the initial Peace Plan. In the absence of such political will, the international Community was an accomplice to the violation of human rights in the area. She thus called on all States to cooperate with Moroccan, Sahrawi and international non-governmental organizations (NGOs) with a view to reducing tensions in the area and providing mediation services between the Government of Morocco and the Frente POLISARIO.

21. Mr. van WALT van PRAAG (Transnational Radical Party) said that his organization had been shocked but not surprised by reports of violence in the Chinese province of Xinjiang, which reflected the frustration felt by the Uigurs after decades of oppression aggravated by a massive population transfer of Chinese into the region and the silence of the human rights bodies. While it was dinstinctly doubtful whether Uigurs were responsible for the recent bomb attacks, there was grave danger that Xinjiang might become the scene of violent uprisings and repression unless its people were given reason to hope for a better future.

22. Governments, international organizations and the media were inclined to take serious notice of a situation only when violence broke out. If non-violent movements were not given the respect they deserved, they would turn to violence and the number of deadly conflicts in the world would increase. The people of Tibet, for example, had been asking the Commission for years to express its concern at the human rights situation in their country and to urge the Chinese Government to respond to the Dalai Lama's overtures for negotiations. An announcement by China's leaders that they were willing to meet the Dalai Lama or his representatives to start a serious process of negotiation on Tibet would surely generate an immense amount of goodwill.

23. Rather than using coercion, as the Nigerian Government had done in suppressing the Movement for the Survival of the Ogoni People (MOSOP), States must be persuaded to resolve self-determination issues by dialogue and negotiation. It was tragic that Russia had not resorted sooner to negotiations with the elected representatives of the Chechen people to resolve the situation in Chechnya. The forthcoming negotiations between the

Indian Government and the Naga leadership was to be welcomed. In Bangladesh, a third round of negotiations between the new Government and the self-determination movements of the indigenous Jumma peoples of the Chittagong Hill Tracts was due to begin shortly and should be encouraged by the international community.

24. In Papua New Guinea, despite the positive outcome of peace talks on Bougainville held in December 1995, the Government was using highly paid mercenaries to wipe out the people's movement on the island. The Commission should urge the Government of Papua New Guinea to abandon its ill-advised mercenary adventure and use the millions of dollars saved to finance a proper peace process under the auspices of the United Nations.

25. Although talks between Indonesia and Portugal on the subject of East Timor were continuing, Indonesia clearly lacked the political will to address the East Timorese people's legitimate claim to self-determination. The Government of Georgia also appeared to be retreating from its earlier commitments to negotiate in earnest with representatives of Abkhazia on the subject of that territory's future.

26. He urged the Commission to take self-determination movements seriously in the context of its human rights mandate and, instead of waiting for armed conflict to break out, to encourage efforts towards peaceful change through dialogue.

27. Ms. AULA (Pax Christi International), said that she applauded the Special Rapporteur's desire not to adopt an accusatory approach but, rather, to seek a meaningful and constructive dialogue with all the parties concerned and help to overcome the human rights problems in the occupied Arab territories (E/CN.4/1997/16, para. 4). It was to be regretted, therefore, that only informal meetings between the Special Rapporteur and representatives of the Government of Israel had proved possible.

28. The most serious development from the legal point of view was the decision of the Israeli High Court of Justice to authorize the use of force in the interrogation of suspects, a ruling that was tantamount to sanctioning torture and ill-treatment in violation of Israel's international obligations. The Special Rapporteur also pointed out that the closure of the occupied territories imposed by the Israeli authorities in the wake of security incidents in February and March 1996 amounted to collective punishment in violation of article 33 of the Fourth Geneva Convention (para. 24). Moreover, settlement expansion, which presupposed the confiscation of Arab-owned land in the occupied territories, violated articles 53 and 49 of the Fourth Geneva Convention. Lastly, Palestinian residents of East Jerusalem were reported to be increasingly treated as resident aliens by the Israeli authorities (para. 31).

29. The recent decision to authorize the construction of a new Jewish settlement in East Jerusalem had been unanimously criticized throughout the world, not least by Pope John Paul II.

30. Her organization appealed to Israeli citizens to oppose the dangerous policies instigated by an extremist minority and also appealed for international solidarity in support of the Palestinian population suffering

under a military occupation that should be ended according to schedule and in the spirit of the Peace Accords through negotiations conducted in reciprocal good faith.

31. Her organization was also seriously concerned at the deterioration of the situation in Bougainville, where 40 mercenaries belonging to the South African company "Executive Outcomes" who had reportedly been hired by the Papua New Guinea authorities as "military advisers", had apparently been directly involved in military operations. She supported the proposal by the Solomon Islands to bring the case before the International Court of Justice.

32. The crisis affecting the Kosovo region of the former Yugoslavia for the past seven years could be resolved only by recognition of the Kosovo population's right to self-determination. Peace had so far been preserved in the region because of the willingness of the ethnic Albanian population to achieve independence by peaceful means under an international protectorate.

33. Her organization was also concerned at Morocco's continuing refusal to apply the 1988 Peace Plan for Western Sahara and by the fact that none of the Commission's recommendations concerning East Timor had been implemented by the Government of Indonesia. It called for the adoption of a policy of national reconciliation in Afghanistan and the cessation of foreign interference in that country's affairs.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF THE NETHERLANDS

34. Mr. VAN MIERLO (Netherlands), speaking on behalf of the European Union and of the associated countries of Bulgaria, Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia, said that human rights would be fundamental in the new century to both international and domestic affairs. Concerted action would, however, be needed to keep human rights at the top of every agenda if the world was not to witness further horrifying loss of life such as had occurred most recently, in Rwanda and the former Yugoslovia.

35. The guardians of human rights fell into three main categories. The first was that of the Member States of the United Nations which, both individually and in regional organizations had increasingly taken upon themselves important commitments to human rights. Human rights were at the core of the European Union and an important element of regional cooperation within the Council of Europe and the Organization for Security and Cooperation in Europe.

36. The Union would continue to combat racism, discrimination and intolerance and had designated 1997 the European Year against Racism and Xenophobia. Its commitment to human rights was also a vital element of its cooperation arrangements with third countries, since all agreements contained paragraphs showing the interdependence of human rights, democracy and development.

37. Sometimes there was no alternative but to confront Governments with their serious violations of human rights in countries where "law" had become the victim of "order" and where civilians had become victims. States should

not give violators of human rights and humanitarian law the impression that their deeds would go unprosecuted, or even unrecorded. For that reason, the Union and its associates attached great importance to the International Criminal Tribunals for Rwanda and the former Yugoslavia, as well as to the efforts to set up an international criminal court.

38. A second guardian of human rights was the United Nations organization itself which, having been the cradle for the formulation of universal human rights, had the crucial role of ensuring their implementation. That task became ever more complicated. The Union and its associates were confident that the new Secretary-General would continue implementing and strengthening the human rights cause. They also welcomed the reforms initiated by the High Commissioner for Human Rights to make the Centre for Human Rights more capable of carrying out its many duties. In that connection, they called on the Secretary-General and the High Commissioner to provide the means to support United Nations human rights treaty bodies, the mandates for rapporteurs, representatives and working groups from the Commission and the programme for advisory services and technical assistance.

39. The work of human rights field officers and monitors was essential, since it complemented that of the Commission's rapporteurs and working groups and of the human rights treaty bodies. The possibility of emergency sessions of the Commission should also be considered. States that provided access to United Nations human rights mechanisms were to be commended.

40. The third guardian of human rights was civil society itself, especially those people and organizations that defended human rights and acted as the conscience of their societies. States should let human rights defenders fulfil their crucial tasks. Had their calls been heeded in Bosnia or Rwanda, reconciliation might have prevented tragedy. The Union and its associates would pay special attention to human rights defenders during the current session. They were working very hard within the United Nations to safeguard such defenders' rights explicitly by adopting a declaration securing their safety and recognizing the importance of their work.

41. That some States should wish to frustrate those efforts was a clear indication that human rights defenders were still at risk, but ironically it also proved how important their message was. Although they were already protected by the international human rights regime, it was important to speak out on their behalf because they were often left without a voice by their own Governments.

42. They included Mr. Moshood Abiola, democratically elected President of Nigeria in 1993 and currently in captivity; Daw Aung San Suu Kyi, Nobel Prize Laureate and distinguished leader of the Myanmar opposition that had won the elections of 1990, currently hampered in her freedom of movement and expression; and Mr. Wei Jingsheng, currently languishing in a Chinese jail. They stood for thousands of people whose only crime was to speak out in favour of human rights and fundamental freedoms. Their Governments, which must be held responsible for their health and safety, should release them or allow an independent judiciary to do its work. The Union had frequently raised the issue of individual human rights defenders and would continue to do so.

43. Human rights might have enemies, but their friends were bound to have the upper hand. The Commission provided those friends - the guardians of human rights - with a meeting place where they could work out better approaches on human rights. Concerted action was required, building on the consensus at the World Conference on Human Rights, with its reaffirmation of the universality of human rights and the belief that human rights were of legitimate concern to the international community.

44. Governments must therefore give the United Nations and civil society the leeway to help human rights forward. They should cooperate with United Nations human rights mechanisms and respect the rights of human rights defenders. In that way, the twenty-first century could be a century in which violations of human rights would be prevented not mourned.

ORGANIZATION OF THE WORK OF THE SESSION (agenda item 3) (continued)

Statement by the Chairman on the hostage crisis in Peru

45. The CHAIRMAN read out the text of a statement which the Commission had agreed upon by consensus:

"The Commission on Human Rights

1. Vigorously condemns the occupation of the residence of the Ambassador of Japan in Lima, Peru, and hostage-taking there by terrorist elements, as well as hostage-taking all over the world;

2. Recalls that it has repeatedly and firmly condemned hostage-taking as acts aimed at the destruction of human rights;

3. Expresses its solidarity with the Governments of Peru and Japan, as well as with the Governments of all countries concerned, and with the hostages and their families;

4. Strongly supports the efforts of both the Peruvian and Japanese Governments to resolve the situation in a peaceful manner and encourages the continuation of the conversations between the interlocutor of the Peruvian Government and the Tupac Amaru Revolutionary Movement (MRTA), to arrive at prompt results;

5. Strongly demands that the hostages taken in the residence of the Ambassador of Japan in Lima and all other hostages held in any other country be released immediately."

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF FINLAND

46. Ms. HALONEN (Finland), having endorsed the statement made by the Minister for Foreign Affairs of the Netherlands on behalf of the European Union, said that the Council of Europe, of which she was currently the Chairman, was Europe's foremost human rights institution and exemplified the positive role played by regional mechanisms. Its two key achievements were the elaboration of legal norms and the establishment of an effective implementation mechanism, and its aim was to extend, across the entire European continent, a solid legal framework for human rights under which legal

and political issues in all member States would be dealt with on an equal basis. Cooperation with other European organizations was essential in that regard.

47. Regional mechanisms must always be based on universal standards, and experience had shown that regional remedies were not always adequate in given country situations. For example, in one State which was a long-standing member of the Council, imprisonment of members of Parliament for political reasons, and even torture, were still taking place; if the Council's efforts to address that situation failed, the Commission should consider using the various means at its disposal.

48. She welcomed the Commission's thematic approach to human rights issues. The rights of women, children, indigenous peoples and minorities were the priority areas of Finland's human rights policy. Although de jure equality between the sexes existed in many countries, discriminatory provisions concerning family law, property rights, inheritance and even political rights still existed and should be abolished. Moreover, women still did not enjoy de facto equality. To fulfil their duties under international law, States could not confine themselves to refraining from outright discrimination; they must take specific action to promote de facto equality.

49. The Commission should strengthen its role in that regard by making women's rights an integral part of human rights monitoring and reporting. The gender perspective should be incorporated into the mandates of special rapporteurs and into advisory services programmes. Moreover, the Commission should pay close attention to elections and other developments in countries with few women in their legislatures and other elected bodies, since such countries could not be said to be fully democratic and their laws were unlikely to respond to women's needs.

50. The European Union had proclaimed 1997 as the European Year against Racism. Although progress had been made in setting standards for protecting the rights of minorities and indigenous peoples, those rights must be strengthened, not frozen at their current minimum levels. The United Nations should adopt the draft declaration on the rights of indigenous people and establish a permanent forum to ensure the effective participation of indigenous people in the United Nations system.

51. Minority rights should also be addressed on a permanent basis, inter alia by extending the mandate of the Working Group on Minorities. The Council of Europe, recognizing the positive connection between the protection of minority rights and stability, had adopted a Framework Convention for the Protection of National Minorities. Furthermore, all Governments were bound to safeguard the human rights of sexual minorities, regardless of the cultural traditions of the country concerned.

52. She welcomed the progress made towards the establishment of an international criminal court, which would play a major role in deterring serious violations of human rights by greatly increasing the likelihood that those responsible for war crimes and crimes against humanity would be brought to justice. The absence of impunity was a vital condition for lasting peace in post-conflict situations. She admired the determination shown by countries

which had emerged from crises and returned to democratic regimes, such as South Africa and a number of Latin American countries; the whole international community could draw lessons from their experience.

53. Since international human rights norms could not be implemented on a pick-and-choose basis, Finland would continue to protest vigorously against any reservations incompatible with the letter and spirit of international human rights instruments. States must cooperate fully with international human rights monitoring mechanisms; the allegation that such mechanisms pitted developing countries against developed ones was an artificial one that was based on political considerations. For the sake of the victims of human rights violations, the Commission must pursue its work with complete honesty and seriousness.

STATEMENT BY THE SECRETARY OF STATE FOR EMERGENCY HUMANITARIAN ACTION OF FRANCE

54. Mr. EMMANUELLI (France) said that the world human rights situation had been marked by contrasting trends over the last year. During his recent visit to eastern Zaire, he had witnessed the plight of thousands of refugees, who suffered from deprivation, disease and food insecurity. That situation could become catastrophic unless aid was forthcoming. Moreover, there was a real danger that the refugees could be massacred by one or other of the parties to the conflict. If the ceasefire called for by the Security Council was not immediately observed, only the deployment of a multinational force could protect those people and ensure the delivery of humanitarian aid.

55. Meanwhile, in Burundi, the civilian population was hard hit by the effects of sanctions. Since about 1 million people had fled from their homes, humanitarian aid failed to reach them, despite the international community's efforts.

56. In Afghanistan, constant violations of human rights and international humanitarian law were taking place, as noted in the relevant General Assembly and Security Council resolutions. Of particular concern were the living conditions of women and the closing of schools for girls. A dialogue should be pursued with the local authorities to stop the indiscriminate bombardment of civilians. In view of the situation of persons displaced by the country's internal strife, the international community should encourage consultations among the Afghan communities and consider the conditionality of humanitarian aid in Afghanistan. Moreover, a number of volunteers working for a French NGO were being unjustly detained and should be released immediately.

57. Too little attention was being paid to the fate of the people of East Timor and of the ethnic minorities suffering from repression in Myanmar. The thousands of civilians who had fled to the Thai border were at the mercy of combatants who regularly raided refugee camps.

58. Such violations of human rights, which took place on a daily basis throughout the world, were increasingly intolerable, as was the situation with respect to prisoners of conscience, torture, extrajudicial executions, miscarriage of justice, exploitation of children and disregard for freedom of expression and the right to education.

59. At the same time, positive developments had also occurred in the last year. The report on the impact of armed conflict on children (A/51/306 and Add.1), the Amsterdam Conference on child labour and the Stockholm World Congress on the commercial sexual exploitation of children had mobilized States to take action. Following the Stockholm Congress, he had been placed in charge of coordinating the preparation and implementation of a government plan of action to combat sexual violence against children.

60. Democracy and fundamental freedoms had been restored in many countries, as exemplified by the peace agreements in Guatemala, the elections in Mozambique and the implementation of some aspects of the Dayton Accords in the former Yugoslavia. The High Commissioner for Human Rights and the Centre for Human Rights had contributed greatly to those processes, despite the insufficiency of their human and financial resources, through their on-site human rights observation missions. He hoped that steps would soon be taken to open the Colombian office of the High Commissioner so that it could carry out its innovative mandate.

61. The Commission must address a number of areas to ensure the effective enjoyment of human rights. The post-cold-war world had witnessed the reawakening of nationalism, fanaticism and racial hatred, and all societies faced problems of intolerance and racism. Respect for freedom of expression had to be reconciled with the need to combat messages of hatred, xenophobia and intolerance, some of which called for violence, racial segregation or denial of the principle that all men and women were equal.

62. The Commission should pay as much attention to economic, social and cultural rights as it did to civil and political rights, since all of those rights were indivisible and interdependent. The fight against poverty and exclusion and the right to development were an integral part of the task of defending human rights. People were not free if they lacked employment, housing, decent living conditions, education, health care and social services. He had submitted to his own Government a bill on social cohesiveness which would give marginalized groups access to health care, employment and housing and safeguard their voting rights.

63. He was especially concerned about the fate of the many human rights defenders and members of humanitarian organizations who risked their freedom or their lives to uphold the ideals affirmed by the Commission. In that connection, he paid tribute to the memory of the four staff members of the International Committee of the Red Cross (ICRC) who had been murdered in Burundi, the three members of Médecins du Monde and five human rights observers killed in Rwanda and the six ICRC staff members who had died in Chechnya. A draft declaration on the rights of human rights defenders had been under consideration by a working group of the Commission for 12 years; he hoped that the Commission would show a firm commitment to that and all other initiatives designed to protect such persons.

64. The relations between States on the issue of human rights were defined in the Commission. Serious violations of universally recognized human rights must be vigorously condemned, regardless of where they occurred, but

expressions of condemnation must be accompanied by a dialogue. It was important to show that development and growth were linked to the progress of democracy and freedom and to pursue long-term efforts to promote democracy and the rule of law not only in emergency and transitional situations, but also on a day-to-day basis.

65. States must cooperate with the international mechanisms for the protection of human rights, including the Commission and the human rights treaty bodies. France would be particularly vigilant in upholding the mandates of the treaty bodies which came up for renewal at the current session.

66. The Commission must look beyond its own activities to propose ways of promoting human rights throughout the United Nations system and in the domestic and foreign policy of States. In that connection, he welcomed the establishment of national human rights institutions in a growing number of countries. The Commission should also emphasize the important role of civil society and seek ways to strengthen its relations with the latter, inter alia by supporting the participation of NGOs in its debates and strengthening their capacity to take initiatives. For its part, his delegation would continue to honour the commitments made in the 1993 Vienna Declaration and seek practical ways of addressing human rights issues.

67. All States that had not yet done so should be encouraged to ratify the major human rights instruments, and the Centre for Human Rights should be adequately funded; the allocation of 2 per cent of the regular budget of the United Nations would be a reasonable objective in that regard.

STATEMENT BY THE DEPUTY MINISTER FOR FOREIGN AFFAIRS OF ITALY

68. Mrs. TOIA (Italy), having endorsed the statement by the spokesman for the European Union, said that protecting human rights required coordinated action by Governments and NGOs alike. The members of the European Union, united by shared values, considered that such action must be based on the fundamental dignity of every human being, which was at the heart of every culture, religion and civilization, and which was enshrined in many international agreements. The universality of human rights did not, however, preclude a variety of approaches to defending human dignity and the sanctity of human life.

69. Her Government had thus chosen to take the initiative on the abolition of the death penalty, a move deeply rooted in the humanist tradition of the Italian people. It was convinced that, if a higher degree of respect for the sanctity of human life was to be established, the death penalty must be abolished. Furthermore, it believed that that was a realistic goal, which could be achieved by the systematic implementation of existing rules that already, for example, made it inadmissible to carry out the death penalty on certain categories of people, such as minors, pregnant women and the mentally ill.

70. The goal her Government had set itself was a very specific one: to increase the number of States acceding to or ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights. It also hoped to persuade those countries that held different views to agree to a moratorium on executions.

71. Her delegation would submit draft resolutions on Somalia and Afghanistan for the consideration of the Commission. Fighting had left those two very different countries without Governments capable of exercising control over the whole territory or enforcing human rights. That grave problem did not mean that the human rights of the peoples of those two countries could be ignored by the international community, particularly when the suffering of the most vulnerable was only too evident.

72. Despite the difficult conditions in those countries, she believed that it was possible to devise a strategy to promote human rights there. In the first place, efforts should be focused on establishing the rule of law, since order, in however rudimentary a form, was a prerequisite for the protection of human rights and the rebuilding of the country concerned. Secondly, human rights should be integrated with humanitarian issues, as the Secretary-General had recently suggested. While material survival must remain the highest overall priority, the international community could not ignore such serious acts of discrimination as those practised against women in some areas of Afghanistan.

73. A comprehensive and integrated approach to human rights, in which physical survival was not viewed in isolation from the dignity of individuals, and which required a basic legal and economic framework within which to operate, was the basis for responding to prolonged conflicts and obstacles to reconstruction and development.

74. Human rights issues could be important to people in their daily lives and so overcome the reluctance of those who, wrongly, attempted to deny their universality or even to portray them as incompatible with more urgent considerations, such as the need for peace, order or food.

75. In conclusion, she wished to draw attention to her delegation's draft resolution on the importance of disseminating information on human rights; the forthcoming fiftieth anniversary of the Universal Declaration of Human Rights would be an opportune moment for a widespread campaign to raise awareness of human rights. Also, the undoubted commitment of the High Commissioner, the Centre for Human Rights and the Department of Public Information to that goal should receive fresh impetus within the framework of the United Nations Decade for Human Rights Education.

76. Mr. LI Baodong (China), speaking in exercise of the right of reply with respect to the statement by the Minister for Foreign Affairs of the Netherlands, said that the historical human rights record of the Netherlands was by no means glorious, its colonialists having violated human rights on a massive and systematic scale for several centuries. The spokesman for the European Union had also omitted to mention the recent notorious case of

paedophilia in a member State of the Union, which had shocked people throughout the world, preferring instead to set himself up as a teacher haranguing the representatives of developing countries.

77. Such behaviour was intolerable. The first and foremost principle of the Charter of the United Nations was sovereign equality. The Netherlands Minister was in no position to admonish others, and would do better to concentrate on reviewing the ignoble human rights record of his own country and on tackling the human rights problems within the European Union.

78. Mr. ABUAH (Observer for Nigeria), speaking in exercise of the right of reply with respect to the statement made by the Minister for Foreign Affairs of the Netherlands on behalf of the European Union, said that the 1993 election in Nigeria had proved inconclusive and it was therefore inaccurate to speak of anyone having been elected. It was also incorrect to speak of Chief Abiola as being in captivity; Chief Abiola was currently in custody awaiting trial on a charge of breaking the laws of his country.

The meeting rose at 5.55 p.m.